

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)
(In accordance with Federal Acquisition Regulation (FAR) 6.3 – Other than Full and Open Competition)

- 1. This document is a justification for other than full and open competition prepared by NASA's Goddard Space Flight Center (NASA's GSFC):**

NASA's GSFC proposes to enter into a contract extension for the Near Earth Networks Services (NENS) contract, number NNG04DA00C, with Honeywell Technology Solutions, Inc. (HTSI). This document justifies the determination for using other than full and open competition.

- 2. The nature and/or description of the action being approved:**

Due to delays with the competitive follow-on, NASA's GSFC proposes to extend the existing services contract with HTSI, which supports the operation and maintenance of the Space and Ground Networks, for an additional 6 months beyond the current 5-year and 6-month period of performance limitation, which ends April 8, 2009. The competitive follow-on Space Communications Networks Services (SCNS) contract was originally awarded on October 10, 2008, but performance was suspended upon receipt of a protest through the Government Accountability Office (GAO) on October 20, 2008. As a result of delays to the award due to the need for discussions and final proposal revisions and evaluation, a 6-month contract extension was previously approved through April 8, 2009.

On January 27, 2009, NASA's GSFC received the GAO's decision, and was directed to take corrective action by re-evaluating the SCNS proposals, resulting in further delay of the selection and re-award of the contract. The contract now has a tentative award date of early April 2009.

The current NENS contract end date is April 8, 2009. The extension will be structured with a 3-month base period and three 1-month options that will cover the core requirement and the Indefinite Delivery, Indefinite Quantity (IDIQ) ordering requirement. The 3-month base period is intended to cover the 90-day phase-in/phase-out of the contracts. The remaining extension months are for contract coverage to be used if needed due to corrective action delays. The estimated increase for the entire 6-months will increase the core value by approximately [REDACTED] and increase the current maximum ordering value of the IDIQ portion by [REDACTED].

This extension will allow for a continuation of current work and new work until the SCNS competitive follow-on contract is awarded. Currently, the estimated award date for the SCNS contract is early April 2009. This contract includes a 90-day phase-in period which makes the current estimated end date for the NENS extension early July 2009. The contract extension and value increases are necessary to ensure program continuity and critical mission support and avoid significant technical impacts to NASA programs. These requirements depend on the in-depth knowledge of Government facilities, networks and systems,

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management structure, and personnel. An interruption and restart of those tasks, with a new contractor that is unfamiliar with the existing networks, facilities, and the specific requirements of the NENS contract, would greatly jeopardize the success of space exploration goals and valuable onorbit assets as managed by various NASA Directorates.

This extension will also avoid the substantial duplication of costs that would be incurred if another contractor was brought onboard for a maximum of 6 months. These costs would include a 90-day phase-in period of contractor overlap to ensure all services remain operational. The Government would also need to review contractor submitted plans and documents, such as Information Technology (IT) Security and/or Organizational Conflict of Interest (OCI) Avoidance Plans, for this extension which it is currently doing for the follow-on. This is not cost effective given that the maximum duration of this extension would be 6 months. Then the phase-in could potentially occur again with the contractor that is selected from the SCNS competition.

3. Description of the supplies or services required, including the estimated value:

The scope of work of the existing contract requires the contractor to provide the following services: support to the operation, maintenance, and sustainment of the Space and Ground Networks enabling NASA's Directorates to accomplish their space exploration goals and meet commitments to other Government agencies. It also includes network integration and management, systems and sustaining engineering, logistics, facilities management, hardware and software development for the Networks, research range, and physical security.

The services that HTSI will provide for the 6-month extension are a continuation of these services under the existing Cost-Plus-Award-Fee, IDIQ contract, which is currently set to expire on April 8, 2009. The current contract core value is [REDACTED] and the current IDIQ maximum value is [REDACTED]. Both are anticipated to be increased for additional support. The cost estimate for the 6-month extension will result in a core value increase of approximately [REDACTED], and [REDACTED] in the IDIQ maximum portion.

4. Statutory authority permitting other than full and open competition:

The applicable statutory authority permitting other than full and open competition is 10 U.S.C. 2304 (c)(1), as cited under FAR 6.302-1, Only One Responsible Source, and no other supplies or services will satisfy agency requirements.

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

A sole source award to HTSI, Inc. for the contract extension is necessary due to the nature of the work performed under this contract and the fact that we are nearing the end of a competitive follow-on evaluation. HTSI has the combined training, experience, and expertise to provide uninterrupted continuation of mission critical support. This mission critical support provides operation and maintenance of Space and Ground Networks in support of

various NASA missions and other Government customers. Should these services be interrupted, these programs and missions would be negatively impacted. If NASA's GSFC attempts to procure these services from any other source for this interim period, the combination of delay due to the competitive process and the transition to a new management team, staff, schedules, and systems would cause unacceptable delays in fulfilling NASA's mission. Because of the time involved in procuring and phasing in another contract, HTSI is considered the only contractor that can meet NASA GSFC's needs given the short term of the extension.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Federal Acquisition Regulation Subpart 5.2:

In accordance with Part 5.2 of the FAR, a synopsis was issued on February 12, 2009, for a minimum of 15 calendar days to notify all interested sources that this requirement will be issued on a sole source basis and to allow industry an opportunity to submit a response.

7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:

A proposal will be received for the anticipated core cost increase and IDIQ rates and will be evaluated by the CO and Contracting Officer Technical Representative for reasonableness prior to definitization of this action. Defense Contract Audit Agency support will be requested as needed to evaluate cost information.

8. Description of the market research conducted (see FAR Part 10) and the results, or a statement why market research was not conducted:

A notice to Federal Business Opportunities (FedBizOpps) was published on February 12, 2009, to announce NASA GSFC's intentions to award a sole source contract. The result of the synopsis is included in paragraph 10. These intentions were based on NASA GSFC's technical personnel's knowledge of market conditions and capabilities at this time. There is no known company that has the ability to become familiar with the NENS contract and continue the operations for the short duration of this extension without an unacceptable delay to mission critical support. In order to acquire the requisite knowledge, substantial interactions with NASA's Exploration and Space Communications Projects Division would be necessary and would require much, if not most, of the minimal period needed for the extension. Further formal market research was not conducted for this contract action as a competition for the follow-on is in process.

9. Other facts supporting the use of other than full and open competition:

HTSI has demonstrated the ability to successfully perform under the current contract. Since these functions are to be continued for the proposed extension, detailed knowledge of the existing NENS contract greatly aids the contractor's ability to effectively and efficiently

manage the tasks in a timely manner during the proposed extension. This will benefit the Government through lower cost and technical risk. HTSI is the only entity possessing this detailed knowledge as they have managed this effort since October 9, 2003.

Furthermore, it is anticipated that an award to any other source for this interim contract extension would result in unacceptable delays in fulfilling NASA GSFC's requirements and would result in substantial duplication of costs amounting to an estimated [REDACTED] in phase in costs which would not reasonably be expected to be recovered through competition for a maximum extension of 6 months. These costs were identified from the first 6 months of the Government estimate for the follow-on procurement activities, which are currently underway.

10. Sources, if any, that expressed, in writing, an interest in the acquisition:

A notice to FedBizOpps was published to announce NASA GSFC's intentions to award a sole source contract on February 12, 2009. Firms desiring consideration were requested to fully identify their interest and capabilities within 15 days of publication of the synopsis.


No responses have been received as a result of the synopsis posting.

11. The actions, if any, that the Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:

There are no barriers to competition for these services at the end of this extension. The follow-on competition is currently in the evaluation stages and will be the successor to this contract. Therefore, this action will have no effect on future actions and no further action is required to remove barriers to future competitions.

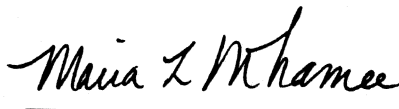
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TECHNICAL DIRECTORATE: I certify that the facts presented in this justification
are accurate and complete.


Signature

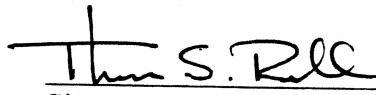
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Date

CONTRACTING OFFICER: I certify that this justification is accurate and
complete to the best of my knowledge and belief.


Signature

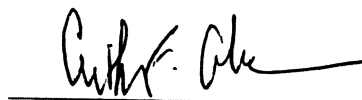
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PROCUREMENT OFFICER:
(CONCURRENCE)


Signature

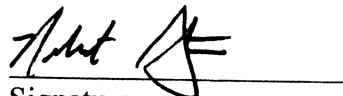
3/23/09
Date

GSFC COMPETITION
ADVOCATE:
(CONCURRENCE)


Signature

3/26/09
Date

GSFC CENTER DIRECTOR:
(APPROVAL)


Signature

3/27/09
Date